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STANDLE 495 METRO		GROUP LLP SOUTH	VINCENT, DAVID ROBERT		
SUITE 210			ART UNIT	PAPER NUMBER	
DUBLIN, C	H 43017	•	3628		

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/323,715	CUNNINGHAM				
Office Action Summary	Examiner	Art Unit				
	PAUL A BELL	3628				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on 08 February 2002 and 14 March 2002.						
2a)☐ This action is FINAL . 2b)☒ This	action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) ☐ Claim(s) 1-25 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-25 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examine						
10) The drawing(s) filed on is/are: a) acco						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:					

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DETAILED ACTION

1. This office action is in response to the amendment received 2/8/2002 (but has a certificate of mailing 12/24/2001) and amendment filed 3/14/2002 and Terminal disclaimer filed 3/14/2002 with regards to US patent number 6,014,645.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Norris** (6,105,007) [note is a continuation of application 08/327,653 originally filed in 10/24/1994] in view of Anonymous, . "New sites on the World Wide Web Management Accounting.", Montvale: Dec 1995.Vol. 77, Iss. 6; pg. 55, 1 pgs. (here after **Reference E**) and Times "METAIRIE BANK JOINS INTERNET; [THIRD Edition] "Picayune (pre-1997 Fulltext)." New Orleans, La.: Sep 13, 1995. pg. C.1 (here after **Reference B**)

With regard to claim 1 **Norris** teaches an **electronic** method for applying for **a financial card**

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(SEE Norris Column 1, lines 14-20 "The present invention relates generally to closed loop financial transactions. More specifically, the present invention is a method and apparatus for processing financial transactions automatically, including loans, applications for credit, establishment of accounts and other transactions that typically take place at banks. " and SEE Column 2, lines 53-58, " In the primary examples presented in the present invention, for loans and credit cards, the apparatus uses a computer controller and a telecommunications link, plus other electronic communications equipment, to enable the complete, automated processing of the application"),

comprising: (a) storing financial card data for participating financial institution,

(b) providing ratings associated with said financial card data, (c) prompting an applicant for application data, (d) analyzing said application data provided by said applicant, (e) assigning a rating to aid applicant based on said analyzing

(SEE Norris column 2, lines 57-63, "(1) the exchange of information with the applicant, preferably using "touch-screen" or voice recognition technology, (2) the underwriting, which means the evaluation and, importantly, approval of the application" . . . "(4) completing of consumer financing regulatory requirements", and SEE column 3, lines 27-35, "In a preferred embodiment, the computer capability of the present invention also contains evaluation criteria in the form of underwriting models, that are used to "score" the application; that is, to make a determination of whether to approve the application based on a computer analysis of factors deemed

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important in assessing the would-be borrower's ability and willingness to repay the loan and to quantify the risk of its not being paid. ")

Norris does not directly illustrate, "(f) locating financial card offers by comparing said rating with said financial card data for participating financial institutions, and (g) presenting said financial card offers to said applicant." (Norris instead illustrates the basic concept with the example of just one Bank however it is well known in the prior art to duplicated a concept in order to have a "multiplicative effect" and to have done so would have merely been obvious to one of ordinary skill in the art at the time of invention and merely directed towards an "obvious intended use" of the Norris invention. Reference E teaches; " Credit Card Network, credit.com Offers a <u>selection</u> of online credit card applications. Free lists of low interest, secured, rebate, frequent flyer, etc.." Reference B Teaches; This year 20 banks - with a combined market share of 21 percent - have set up Web sites to promote credit card products, said a RAM Research survey of 350 bank credit card issuers on use of the Internet for marketing bank credit cards. Another 29 percent of card issuers surveyed said they will launch a Web site in the next 12 months. Nearly half said they planned to include online credit card applications.")

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Norris invention to offer multiple cards from multiple financial institutions because to do so would have been merely directed towards, "duplication of a well known procedure" and in any case Reference E and Reference B clearly illustrated multiple card offers from multiple financial institutions and

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still further "one stop comparative shopping" at one web site as illustrated by

Reference E is very popular and much more efficient then having to log in to multiple
web sites to do your shopping for a credit card).

With regard to claim 2 the combination of Norris / Reference B / Reference E suggest the method of claim 1 further comprising sending said applicant a financial card in accordance with an accepted financial card offer (It would have been obvious after approval to mail the applicant a card because most places require the actual card and some times drivers license to use, so therefore sending the card would have been essential to optimum usage)

With regard to claim 3 the combination of Norris / Reference B / Reference E teaches the method of claim 1 wherein said rating is a financial risk rating (SEE Norris column 3, lines 27-35, "In a preferred embodiment, the computer capability of the present invention also contains evaluation criteria in the form of underwriting models, that are used to "score" the application; that is, to make a determination of whether to approve the application based on a computer analysis of factors deemed important in assessing the would-be borrower's ability and willingness to repay the loan and to quantify the risk of its not being paid. ")

With regard to claim 4 the combination of Norris / Reference B / Reference E teaches the method of claim 1 wherein said participating financial institutions may modify said financial card data (SEE Norris column 3, lines 20- 26 information about the applicant is also obtained via electronic transfer of data to the computer from one or more databases, including those that provide name and address based on a caller's

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telephone number, and from credit bureaus that provide credit reports on an applicant given an applicant's name, a social security number and an address. Wherein since a card users address and telephone number are subject to change it is obvious that it is essential to have the capability to modify the database so they can send the bill to the right location.)

With regard to claim 5 the combination of Norris / Reference B / Reference E teaches the method of claim 4 further comprising the step of uploading said modified financial card data (SEE Norris column 3, lines 20-26 information about the applicant is also obtained via electronic transfer of data to the computer from one or more databases, including those that provide name and address based on a caller's telephone number, and from credit bureaus that provide credit reports on an applicant given an applicant's name, a social security number and an address. Wherein since any change in data such as address or telephone would need to be entered at a computer terminal which uploads the data from the keyboard to the internet any again it is essential to have the capability to modify the database so they can send the bill to the right location an uploads are a common way of doing this).

With regard to claim 6 the combination of Norris / Reference B / Reference E was shown above in claims 1-5 to read on most of the limitations of claim 6 in addition the combination teaches, (a) creating **a public network site**, said site associated with **an identifier** for accessing said site

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(SEE Norris illustrates a ATM machine in figure 2 it would have been obvious to locate it in a public site to facilitate good sales and further it is a well known practice to use a code password when using a card at an ATM so this therefore reads on "identifier"),

(b) **defining terms** for **financial** cards (c) **associating ratings** with said **financial** card terms

(SEE Norris column 6, lines 45-64 "The applicant's credit report is obtained from the credit bureau by transaction processor 10, evaluated using an underwriting model 90, to be described more fully below, and a decision is made based on the results of the evaluation by underwriting model 90, which results are in the form of a score and an associated risk factor, to grant or deny the loan or credit card application. Transaction processor 10 informs the borrower of the decision and, if the application is granted, presents the terms of the financial transaction to the applicant via monitor 50. If the borrower accepts the terms of the loan or credit card, the borrower can sign the documents electronically using an electronic signature pad 100 on kiosk. The same approach can be used to verify in writing the fact that the borrower understood the terms of the loan or credit card, as required by law, or, if the loan or credit card is denied, that the borrower received a copy of the negative determination letter with its explanation as to why the application was denied. In each case the consumer's signature on the documentation can be secured electronically"),

With regard to claim 7 the combination of Norris / Reference B / Reference E teaches the method of claim 6 further comprising sending information regarding said applicant to a participating financial institution sponsoring said offer accepted by said

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applicant (Reference E it is obvious that the information will be forwarded to the bank by third party because it would be essential completing the sale).

With regard to claim 8 the combination of Norris / Reference B / Reference E teaches the method of claim 6 further comprising sending to said applicant a financial card in accordance with an offer accepted by said applicant (This feature was addressed above in claim 2).

With regard to claim 25 the combination of Norris / Reference B / Reference E teaches the method of claim 6 wherein said electronic financial card is selected from the group consisting of credit cards and debit cards (the combination clearly show credit cards and a debit card is just a well known type of credit card that takes the money quickly from your account).

With regard to claim 9 the combination of Norris / Reference B / Reference E was shown above in claims 1-8 to read on most of the limitations of claim 9 in addition the combination teaches, at least **one server** for communicating with a financial card applicant

(SEE Norris figure 1 and 2 wherein it does not directly illustrate a server such a server would had been essential for the kiosk to access the network so therefore clearly obvious feature),

at least one device adapted to access data from third party sources, (SEE Norris figure 1 item 60 DATABASE CREDIT BUREAU).

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4. Claims 10-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Norris / Reference B / Reference E in further view of Lockwood (6,289,319).

With regard to claim 10 the combination of Norris / Reference B / Reference E was shown above in claims 1-9 and 25 to read on most of the limitations of claim 10 However the above combination does not clearly illustrate the "a first database for storing financial institution data comprising financial institution selection criteria and financial offering data for participating financial institutions, a second database for storing credit history data; and one or more servers adapted ",

Lockwood clearly teaches these addition above features (SEE Lockwood figure 1 and ABSTRACT: "A system for filing applications with an institution from a plurality of remote sites, and for automatically processing said applications in response to each applicant's credit rating obtained from a credit reporting service comprising a series of self-service terminals remotely linked via a telephone line to a first computer at the institution and to a second computer at the credit reporting service headquarters. Each remote terminal comprises a video screen and a video memory which holds image-and-sound-generating information arranged to simulate the aspect and speech of an application loan officer on he video screen. The simulated loan officer is used to acquire loan request data from the applicant by guiding him through an interactive sequence of inquiries and answers. The terminal is programmed to acquire credit rating data relating to the applicant from the credit rating service, and to use the data to compute the credit worthiness of the applicant and the amount

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which may be loaned to him. The approved loan information is then transmitted to the first computer for further processing by the financial institution. " SEE Column 4, lines 54-60) "Once all the proper answers have been accepted, they are processed 46 by the terminal data processor 13. This process may involve analyzing certain key answers in order to identify any element or data that would automatically disqualify the applicant. Depending upon the result of that first analysis, more questions 47 may be presented to the applicant in order to refine the data necessary for a thorough assessment of his qualifications." SEE column 5, lines 53-67 It should be noted that the system as described could be applied to other forms of transactions in which information has to be acquired from a customer then processed to a decision or into the performance of a particular task. A similar system could be used, for instance, for the preparation and filing of income tax returns. In such case, the assistance that the fictitious person who appears on the video screen can give to the applicant in fillingout the tax form can be easily programmed on the videodisc. Other applications of the system include the selection and purchase of stocks and other securities, the selection and opening of so-called "self-directed investments" such as Individual Retirement Accounts, and other complex transactions which normally require a great deal of time and attention on the part of the officers of an institution. ").

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify or interpret the combination of Norris /
Reference B / Reference E to implement the above features related to selection
criteria as taught by Lockwood because to do so would have been an improvement in

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making sure the customer gets the best product and the bank gets the proper level of risk so they can make more money.

With regard to claim 11 the combination of Norris / Reference B / Reference E / Lockwood teaches the system of claim 10 wherein said application data comprises the applicant's name, telephone number, home address, e-mail address, income, other assets and liabilities, and bank account numbers (This information was representative of well known information required on loan and credit card applications and therefore made obvious and directed towards the "obvious intended use" of the combinations credit applications).

With regard to claim 12 the combination of Norris / Reference B / Reference E / Lockwood teaches the system of claim 10 wherein said appropriate financial offerings for said applicant are located in accordance with a grading system process (this feature was illustrated already above.)

With regard to claim 13 combination of Norris / Reference B / Reference E / Lockwood teaches the system of claim 12 wherein said grading system process assigns a grade/score to the applicant using the application data and credit history data and uses the grade/score to search each participating financial institution's selection criteria to locate the appropriate financial offerings (this feature was illustrated already above).

With regard to claim 14 the combination of Norris / Reference B / Reference E / Lockwood teaches the system of claim 13 wherein each financial institution's selection criteria are organized in a matrix associating financial offering data with a minimum

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grade/score combination (the combination does not directly illustrate the common practice of arranging choices in a matrix but examiner serves "OFFICIAL NOTICE" that this feature is well known in the prior art and one would be motivated to do this to facilitate visual information to the user in a clear way)

With regard to claim 15 the combination of Norris / Reference B / Reference E / Lockwood teaches the system of claim 10 wherein each of said appropriate financial offerings is presented to the applicant in a single computer display (SEE Norris figure 2, item 50).

With regard to claim 16 the combination of Norris / Reference B / Reference E / Lockwood teaches the system of claim 10 wherein said appropriate financial offerings are presented in the form of **a menu** comprising a summary of each financial offering from which the applicant may make a selection to review details of the financial offering

(SEE Norris figure 2 item 50 a monitor with touch screen capability Touch screen capability in monitors is well known. SEE column 5, line 43-57 "To indicate a choice presented by a computer monitor having touch screen capability, the user simply touches the screen at the location indicated. For example, images of a "yes" and a "no" button will appear and, by touching the "yes" button, the consumer indicates an affirmative answer to the question presented".)

With regard to claim 17 the combination of Norris / Reference B / Reference E / Lockwood teaches the system of claim 10 wherein said financial offerings are credit card offerings (SEE Norris figure 1 CREDIT/DEBIT CARD).

With regard to method claims 18-24 the combination of Norris / Reference B / Reference E / Lockwood was shown above in claims 1-17 and 25 to read on all the claimed features.

Response to Arguments

5. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anonymous,." CREDIT DECISION CUT DOWN TO 10 MINUTES", Bank Advertising News. North Palm Beach: Nov 13, 1989.Vol. 14, Iss. 10; pg. 8.

Teaches; BayBank (Boston, MA) has married its credit application procedure to its branch automation system to create a highly efficient, online loan application process: loan approval now takes about 10-15 minutes. The unique system, which required no new hardware, means that a customer can apply for a loan, find out if he qualifies, and receive the funds in just one visit. The bank is advertising in area newspapers with the phone number, 1-800-BAY-FAST.

Morrall, Katherine., " **DIRECT MARKETING GOES ON-LINE**", BANK MARKETING." Washington: Sep 1995.Vol. 27, Iss. 9; pg. 21, 6 pgs

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Teaches; "The Internet is now a respectable and sought after marketing vehicle. Many banks are not content to use the Internet strictly as a marketing tool and are working on developing programs to **conduct sales or financial transactions over the Internet**.

First Interstate Bancorp developed a broad range of information for its home pages to appeal to both commercial and retail customers. The bank's home pages include consumer services, business services, locations, and announcements.

Eventually, electronic marketing services will expand to include consumer loan applications over the Internet, checking and savings product information, a multimedia history of the bank and an interactive customer feedback line.

Eventually, First Union would like to expand its services on the Internet to include opening consumer loan accounts, offering checking and savings products and **providing access to mutual fund prospectuses**. Currently the bank has an online credit card application Internet users can complete."

Barefoot, Jo Ann S. When high-tech banking meets paper-based regs (Part 2) American Bankers Association. ABA Banking Journal. New York: Mar 1996. Vol. 88, Iss. 3; pg. 30, 4 pgs.

Teaches; "Banks are quickly computerizing the process of evaluating creditworthiness. Credit scoring has long been used for consumer credit. The past few years have seen a rapid extension of computer scoring systems into mortgages. Even small business credit, once viewed as too varied and complex to reduce to a computer model, is being tackled. Powerful forces are fueling this trend. One is the

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desire for cost control. Another is the shift of the industry to a proactive sales culture; lenders are severing the customer-contact function from the underwriting process.

Banks are staffing contact functions with people who have sales rather than credit experience, often paying incentives for loan origination. Banks are then setting up a central, computerized credit evaluation process to provide objective underwriting that is not tainted by any pro-sales bent."

DeFrancesco et al. (5,878,403) COMPUTER IMPLEMENTED AUTOMATED CREDIT APPLICATION ANALYSIS AND DECISION ROUTING SYSTEM", filed 9/12/1995.

Teaches; "A credit application and routing system includes a central processor having and executing a program. The system includes data input capabilities for selectively receiving credit application data from respective applicants at remote locations, and routing capabilities for selectively forwarding the credit application data to remote funding sources and selectively forwarding funding decision data from the funding sources to the respective applicants. The computer program includes routines for receiving a credit application from at least one remote application input and display device, for selectively forwarding a received credit application to at least one funding source, for receiving a funding decision from the at least one funding source, and for forwarding a received funding decision to the at least one remote application input and display device. The system can also obtain credit report data from credit bureau, and analyze and summarize the credit report data. A computer readable storage

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medium has a substrate physically configured to represent the computer program which causes a computer to provide the credit application and routing system. "

Walker et al. (6,088,686) "SYSTEM AND METHOD TO PERFORMING ON-LINE CREDIT REVIEWS AND APPROVALS" filed on 12/12/1995 in 60,008,538 Teaches; in ABSTRACT: "A user-friendly on-line computerized system operates in real-time thus streamlining the processing of applications for products and services offered by a financial institution. The system automates many steps in the credit and liability review and approval process, performs background credit worthiness evaluations based upon a applicant's credit score, financial information and new or existing relationship with the financial institution, recommends to those applicants who exceed the initial criteria for credit consideration specific credit products with predetermined credit qualified offer amounts, and ensures the required operating (credit/liability) policies are appropriately completed" (column 5, lines 66 column 6, line 15) "The system and method of the present invention (FIG. 1) provide on-line processing of applications in real time, thus providing conditional approvals, pending required verifications. Many lenders process applications via on-line systems, however, most do not offer the system capability of a front-end processing system (blocks 14 and 16) that provides an immediate review of the results of analyzing an applicant's credit bureau history (blocks 28, 30, 32 and 34) and automated credit scoring. The system and method of the present invention involves the unique processing of a new or existing customer relationship (blocks 18,

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20 and 22) into the credit decision request. This feature enables the ability to provide new or existing customers (block 10) with an up-front conditional approval (based on systematic evaluation of credit bureau history, <u>credit score</u>, debt burden, credit policies and the customer's relationship with the financial institution), subject to required verifications."

(column 6 lines 25-40) "These evaluations may create a decision that results in an indication that the applicant 10 is credit qualified. These indications will show the LBR 12 which applicants exceed the initial criteria for credit approval, and may recommend specific credit products with pre-determined credit qualified offer amounts, as well as identifying those applicants to which to offer more attractive credit product opportunities."

(column 6, lines 48-64) "All established product program requirements (frontend screens, disaster screens, credit score, debt burden), as well as consideration of a new or existing customer's deposit balance, are systematically completed and ranked (A, B, C, D) within a matter of seconds. This enables the LBR 12 to immediately convey credit evaluation status (recommended approval, conditional approval, upsell, counter-offer, recommended turndown) to the applicant 10. The A, B, C, D status rankings indicate to the LBR 12 the direction to take during the sales session (i.e., the systematically provided rankings <u>identify high and low credit risks</u>). For purposes of expeditious back office processing, block 44, these rankings also delineate which requests for credit may be processed for immediate appeal, resulting in an immediate booking or immediate adverse action. This enables the LBR 12 to

immediately identify an applicant that is highly valuable to the financial

institution. "

(Column 10, lines 37-49) The pending process of the present invention allows an LBR 12 to merely highlight and select <u>a menu option</u> ("Save to Pending File"), which saves all of the data entered during the session. At this point, the data is saved within the front-end environment (blocks 14 and 16) awaiting a future point when the application

can be completed. When the applicant 10 returns, any LBR 12 within the financial

institution can easily recall the incomplete application via a menu option ("Pending

/Conditional"), add any missing information and then transmit the application to the

application processing system (ACAPS 26). "

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (571)- 272-7766. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at (571) 272-6799.

supervisor, Sam Sough can be reached at (371) 272-0799.

Information regarding the status of an application may be obtained from Patent Application Information Retrieval (PAIR) system, see http://pair-direct.uspto.gov. For help with PAIR call Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

Or Faxed to: (703) 872-9306 Paul Bell

Paul Bell Art unit 3628 May 6, 2005

HYUNG SOUGH SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600